All About Those Pentagon Papers

Another Dangerous Document Whose Publication Had Better Be Enjoined

I want to take this opportunity to assure you and your committee that this Administration is dedicated to insuring a free flow of information to the Congress and the news media—and thus to the citizens. You are, I am sure, familiar with the statement I made on this subject during the campaign. Now that I have the responsibility to implement this pledge, I wish to reaffirm my intent to do so. I want open government to be a reality in every way possible.

—Nixon letter to Chairman Moss, House Government Information Subcommittee, April 7, 1969.

I. F. Stone's Bi-Weekly

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The Real Secret—Empire and Democracy Don't Mix

When men as different as Truman, Eisenhower, Kennedy, Johnson and Nixon are found locked into the same essential course, when we see them caught in so extensive a web of deceit and inhumanity as that revealed by the secret Pentagon papers the *New York Times* and the *Washington Post* had begun to publish, we are dealing with factors deeper than personality or political outlook. We must try to determine the forces and the institutional patterns which led men so diverse into the same crimes against humanity and crimes against freedom, culminating in the current effort by the Nixon Administration to turn back the clock of Anglo-American law by three centuries and subject the press to prior restraint. Even those few reporters like myself, who were critical of the war from the beginning, turn out to have been naive. We never imagined that the makers of policy were quite so mendacious and unscrupulous. Judge J. Skelly Wright spoke for us all when he said in his dissent on the Court of Appeals in the *Washington Post* case, "As if the long and sordid war in Southeast Asia had not already done enough harm to our people, it is now used to cut out the heart of our free institutions and system of government."

The "Dominoes" Are No New Theory

What are the circumstances that made these men so untrustworthy? The answer was given by those Americans who fought the annexation of the Philippines after the Spanish-American war. They saw this as the beginning of imperialism and predicted that empire and democracy would ultimately prove irreconcilable. "What is desperately needed in this country today," Senator McGovern said on CBS *Face The Nation* June 20, "is truthfulness from our government . . ." It is impossible to run an empire "truthfully". In an empire, there is always war of one sort or another being waged, or brewing, somewhere on its borders and war requires some measure of secrecy. How much is left when one pleads, as Senator McGovern did, for *"full information on matters that in no way jeopardize national security."* That's a pretty safe standard in governing Iceland, where security doesn't extend much beyond the 3-mile limit. But in an empire like ours "national security" can reasonably be stretched to cover events in far corners of Laos, Turkey and the Congo. For empires always fear erosion at their edges, and the domino theory can be seen in action as far back as Pericles and as recently as the Soviet invasion of Czechoslovakia.

The bigger the empire, the more numerous its potential enemies; allies, too, must be watched lest they waver or defect. A world-wide intelligence network becomes a necessity, and an additional reason for secrecy. To maintain the empire, larger armed forces are required and armies are by their nature closed societies, authoritarian and hierarchical. The bigger the armies, the more the inner councils of government are molded by military considerations. These reinforce the instinctive secretiveness of the bureaucrat. The bureaucrats, civil and military alike, feel that their freedom of action would be limited if they had to explain what they were doing. How explain to a Congressman from Kansas the complex intrigues in our Brazilian policy which may some day give us a bigger Vietnam? How draw a firm line between contingency planning and policy? Genuinely difficult questions provide ready excuses for the arrogance that expertise and power generate. Elitism is inevitable. The real enemy is the bureaucrat's own people. They must be deceived, watched and if necessary repressed. In the documents so far published one can see over and over again facts kept from the U.S. public which were not only known to the enemy, but deliberately transmitted by intermediaries or "signals". Hanoi was forewarned of destruction in 1964; only the voters at home thought Johnson a dove. Documents were

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New Policy On Vietnam?

Presidential Press Secretary Ziegler refused to be drawn into a discussion of the [New York Times] report on the ground that the study dealt with "something that occurred in the previous administration." He said the Nixon Administration had developed a new policy on Vietnam.

—New York Times, June 16.

Q. Mr. Secretary, is it a basic principle of this government, as it has been of previous administrations, that South Vietnam must remain independent and non-communist, and that this is non-negotiable?

Rogers. To the extent that we want to prevent the North Vietnamese from overrunning South Vietnam militarily, yes; the answer is yes.

—Secretary Rogers' press conference June 15.

President Nixon is committed to ending the war in Indochina. But he is also committed to ending it on a responsible basis . . . Let us understand at the outset that President Nixon, having inherited American commitments and recognizing America's responsibilities in Asia, will not abandon those committments.

—Dole, Nixon's chief Senate spokesman, on "America's Southeast Asian Policy in Perspective: The Leadership of Six Presidents" in the Senate June 16.

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"classified" to make sure that we would be the last to know.

So it can be said of a whole series of Presidents since the U.S. began to run a world empire that they sought "purposely and systematically . . . to keep the American people in ignorance of the true state of things at the seat of war, and by all sorts of deceitful tricks to deprive them of the knowledge required for the formation of a correct judgment." The words are those of the great liberal editor Carl Schurz, writing in 1899 of how McKinley carried on the war in the Philippines.* The same mentality still rules our national councils. On CBS June 16, Marvin Kalb asked Gen. Maxwell Taylor, a principal character in the documents being disclosed, "What do you make, General, of the principle of the people's right to know when steps of this dimension are taken?" The General replied, in phrases which recall the *Charge of the Light Brigade*, "I don't believe in that as a general principle . . . A citizen should know those things he needs to know to be a good citizen and discharge his function." Ours not to question why, ours but to do and die. . . .

Secret Senate Debates, Secret Trials

The secrecy bred by empire spreads like a cancer through the government, undermining our most basic institutions. The Senate held a secret session on a secret war in Laos. Judges Gurfein and Gesell held part of their hearings in the *New York Times* and *Washington Post* cases in secret and secret briefs were filed on appeal. For the first time in American history the Supreme Court may be asked to hear argument *in camera* or at least consider evidence taken in secret and forever sealed from the public eye. With every step confidence in government crumbles, our crusade against communism begins to climax in the spread at home of those totalitarian practices against which we are supposedly spending billions to protect ourselves. When Johnson "off the record, not for attribution but please use" tells *Time* that release of the Pentagon papers was "close to treason," he begins to sound like those other free world leaders, Papadapolous and Franco. This hysterical reaction by the consummate old faker can best be measured against Judge Gurfein's decision dismissing the government's application for a temporary restraining order.

The circumstances made that ruling all the more impressive. In choosing to file so momentous a case before Judge Gurfein, the Attorney General picked a brand-new Republican judge, freshly beholden to the Administration; this was characteristically crass of Mitchell and Nixon. Judge Gurfein's preliminary observation that he didn't see why a patriotic editor wouldn't take the documents to the government before deciding whether to publish them revealed a naivete that was appalling! He granted the request for a secret hearing at which representatives of State, Defense and the Joint Chiefs of Staff could testify. This was to allow the government, the Judge said, "an opportunity to pinpoint what it believed to be vital breaches to our national security of sufficient impact to controvert the right of a free press." But after hearing the secret testimony, he declared, "I am constrained to find as a fact" that the evidence presented "did not convince this court that the publication of these historical documents would seriously breach the national security." He ruled that "no cogent reasons were advanced" why the documents "would vitally affect the security of the nation." All he saw was embarrassment to those who participated. He ended with an eloquent reaffirmation of fundamental free press principles for which every American newspaperman must be deeply grateful. We honor him, too, for demonstrating so dramatically the independence of the judiciary, and pause to point out that the institutional framework of the law molds men into a different pattern of behavior than the institutional framework of militarism and imperialism.

Much as we deplore secret trials under any circumstances, the *in camera* hearings held in these cases create an immediate advantage on appeal for the press. They gave the government the fullest leeway to prove harm to national security. When two judges as different in background and philosophy as Judges Gurfein and Gesell after such hearings both make findings of fact against the government, it will be difficult for the higher courts to reverse. Indeed the findings of fact are so sweeping as to cast doubt on the ability of the

*p. 28 Twelve Against Empire: The Anti-Imperialists, 1898-1900 by Robert L. Beisner, McGraw-Hill, 1968. $6.95.

Nixon's Fakery On The POW Issue

Would the President withdraw all of our troops from Vietnam now, if he could be assured that doing so would guarantee the return of all American prisoners of war? The answer is "no." He would not unless he changes his mind, because he said that he believes the forces must remain in any event until the South Vietnamese have the chance to defend themselves, whenever that might come to pass. The prisoners must wait until such time as General Thieu and General Ky or whoever is in power in Saigon, are capable of conducting the war without American forces—and God only knows how long that may be. I submit, further, that Vietnamization places the keys to the prisons in which those American men are held squarely in the hands of the Thieu-Ky regime. All that government need to do to perpetuate American forces in South Vietnam is exhibit its weaknesses; all it need do is everything it can to prolong the American presence, and Vietnamization says we will stay there to prop it up.

—McGovern, in the Senate, June 15.

How Nixon Circumvents The Law To Carry On That "Secret War" In Laos

Two years ago the Senate placed an overall ceiling on Defense Department expenditures in support of Vietnamese and free world forces in Vietnam and in support of local forces in Laos and Thailand. Last year, we sought to tighten that provision by making it unlawful—we thought—for the United States to hire troops of other nations to defend the governments of Laos or Cambodia. Nothing, however, demonstrates with more clarity the difficulty of devising adequate legislative controls of the clandestine military undertakings of the executive branch, or the executive's utter disregard of the will of the legislative branch, than the presence today of U.S. financed Thai troops in Laos. In a statement issued on the day of the secret session in which the Senate was told the facts regarding the Thai troops in Laos, the State Department acknowledged for the first time that the United States was providing Thai "volunteers" with financial and material support.

The deceptive nature of this characterization of the recruitment and payment of Thai soldiers to fight in Laos will be all too evident to any member of the Senate who reads the report on U.S. activities in Laos that was prepared by the staff of the Subcommittee on United States Security Agreements and Commitments Abroad. We earnestly hope this report will be promptly declassified.

At the same State Department briefing preceding the closed Senate session, the Department's spokesman maintained that the payment of Thai troops was legal because it antedated the enactment of the amendments which had been designed to prohibit it. If the hiring of Thai troops to fight in Laos is legal, why has the executive branch gone to such lengths to keep it a secret from Congress? Why did the State Department feel the need to point out that this practice had begun prior to the passage of laws designed to prohibit it? To us such tortured and contradictory argumentation can mean only one thing: The executive branch was determined to find a way to circumvent the will of the Congress; and under the cover of secrecy, they succeeded.

—Symington, in the Senate, June 15, (abr.).

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government to convict those who leaked and those who printed these documents. The government's case must have been very tenuous if even *in camera* it made such a poor impression on these judges. Judge Gesell found no compromise of intelligence, despite all the nonsense spilled to the press in backgrounders about the danger to U.S. secret codes. He found the government failed to show that the documents "at the present time and in the present context are Top Secret." Nonetheless, whatever the outcome, the case creates serious precedents for the future. Publication has been held up, editors have been hauled into court. What happens next time when the government's case is less flimsy and more marginal? We need a firm ruling that the risks to "national security" are outweighed by the advantages of a free press.

A Means of Seduction and Brainwash

But the press, too, has been corrupted in its own way by the web of secrecy woven by imperialism. One aspect of the whole system of classification has not had sufficient attention. The volume of classified material gives elected officials and bureaucrats a ready means of seducing and brainwashing the press. Selective declassification becomes a means of manipulation. A half-truth may be more deceptive, because less easy to rebut, than a whole lie. The system of "leaks" makes it easy to mislead the public and to make reporters beholden to officials for these phoney "scoops." To be excluded from those cozy backgrounders whence so much falsification is generated represents one of the basic advantages of heretical reporters like myself. It also explains why the establishment press, despite so much first rate reporting from Vietnam, has taken so long to disengage from the "party-line" on the war.

So while we find ourselves truly proud of the American press for closing ranks against the government in defense of freedom, and to the editors of the *New York Times*, the *Washington Post* and (at press time) the *Boston Globe* for printing the Pentagon papers, we wish they had started earlier. Neil Sheehan of the *New York Times* deserves a special salute, and whoever leaked the documents will go down in history as a hero.* It is nevertheless true that no small part of what is now coming to light was visible years ago, for those who cared to look, as my own readers in the *Bi-Weekly* and the *New York Review of Books* are aware.** If the big press had examined the original hearings on the Tonkin Gulf and printed Senator Morse's two speeches revealing all that the censor had taken out of the transcript, they would have known much of the truth seven years ago (as would the Senators who voted like sheep for the resolution, only Morse and Gruening dissenting). Instead the *New York Times* swallowed the prefabricated Tonkin Gulf incidents and saw

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Drafting For Soldiers—Or Servants?

During our debate on the draft extension, the Department of Defense has admitted that projected manpower shortfalls during fiscal year 1972, depending on the size of the pay increase, will range from 20,000 to 40,000 in the absence of the draft. Shortfalls of such minor proportions, in a force level of 2.4 million men, have raised serious questions about the need for any continuation of the draft, much less a 2-year extension of the induction authority . . . Gen. George I. Forsyth, Special Assistant to the Army Chief of Staff, noted in the May 17, 1971 edition of *Armed Forces Journal*, that there are 35,000 GI's engaged in KP, and another 60,000 cutting grass and engaged in similar nonmilitary household chores. This means that we have 95,000 men doing jobs that should be performed by civilians . . . These 95,000 slots are what this debate is all about. In the name of national security we are being asked for a 2-year extension, so that men in uniform can provide domestic service to their superiors.

—Schweiker (D. Pa.) in the Senate, June 4.

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* Hisses to Sidney Zion for naming Daniel Ellsberg as the source of the leak to the New York Times, and to Rep. Paul McClosky for telling the press he got copies from Ellsberg.

** The Columbia Journalism Review in a special Vietnam issue last winter said, "One American journalist who raised continuing doubts about the veracity of the Administration's accounts was I. F. Stone. In his small, outspoken sheet, Stone reported the South Vietnamese attacks on Hon Me and Hon Ngu. He was the only one to cover in detail the charges raised by Senator Morse about the incidents, and he even raised questions about whether the second attack even occurred. While Time and Life were adding embellishments to the nineteenth-century theme of "they've sunk one of our gunboats," I. F. Stone was asking the crucial questions. One of the major shortcoming of opinion writers was their failure to ask: does the punishment fit the crime? The total damage in both attacks was one bullet hole in the Maddox. No U.S. ships were sunk, no American boys were even wounded. In turn, we not only claimed to have sunk four North Vietnamese vessels but went on to the bombing of the North, sinking the major part of the North Vietnamese Navy, and wiping out more than 10 percent of its oil storage tanks. The overwhelming response of the editorialists was that President Johnson should be commended for his restraint in limiting the bombing. Among Washington journalists, only Stone opined that indeed the American response was 'hardly punishment to fit the crime.' His small circulation sheet received little attention."—Don Stillman, *"Tonkin: What Should Have Been Asked."*

Gen. Ridgway For Unconditional Withdrawal Of All US Forces

It is difficult to see how a war can be ended unless all participants agree to terminate it. And in the light of our announced intention that residual forces, including but not limited to American airpower, will remain until such agreement is reached and captives are released, it is still more difficult to reconcile these statements with the promise that the war is nearing its end. For my part I must conclude that so long as U.S. armed forces remain on the mainland of South Vietnam, if only to provide logistical support for the South Vietnamese Army (ARVN), our men will be mortared, shelled or otherwise attacked; and that so long as they are attacked they will counterattack with fire and movement, and the war will drag on, not end. . . .

The disquieting factor to me is the openly expressed threat of the use of force in an attempt to compel release of captive U.S. personnel. The recovery of these men demands and deserves, of course, unceasing effort on the part of our government. We owe them and their families and kin no less, and no less can serve the nation's honor. But whether stepped up bombing of North Vietnam targets, including population centers, will accomplish that result is open to serious question. There is further uncertainty in our present course which gravely concerns many of our people. How can we reconcile retention of a "residual force," of which the Secretary of Defense speaks, with "complete withdrawal" to which the President is publicly committed? And does "complete withdrawal" mean exactly that—the removal of all ground, naval and air forces? . . .

The prisoner question is a torturing one, which should be examined from every angle, as I have no doubt is being done constantly. It is conceivable that an offer to Hanoi, made under the tightest possible cloak of secrecy, that we would agree to complete withdrawal from the mainland of all U.S. armed forces personnel by a stated date, in return for the release unharmed of every captive American now held, would be accepted.

—Gen. Ridgway in Foreign Affairs *for July, proposing that within six to nine months, "regardless of developments" we withdraw all U.S. Army, Navy, Marine and Air Force personnel "except Embassy guards" from Vietnam.*

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When Agnew Defends Johnson: Imperialism's Birds of A Feather

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them as "the beginning of a mad adventure by the North Vietnamese Communists" while the *Washington Post* assailed Morse as a "reckless and querulous" dissenter.

Even the AP Was Ignored

When the Associated Press three years later, in an extraordinary feat of reporting, interviewed three dozen crew members and began to expose McNamara's lies about the Tonkin Gulf incidents, neither the *Times* nor the *Post* ran the 5,000-word expose by Harry Rosenthal and Tom Stewart. The *Arkansas Gazette* seems to have been the only paper to publish the full report. A year later the *Times* and the *Post* were equally remiss in failing at all adequately to cover the fumbling but revealing new Fulbright hearings on the Tonkin Gulf incidents and the sensational revelations made by Morse about them in three great Senate speeches, Feb. 21, 28, and 29, 1968. Nor did any of these big papers bother to look when in the *New York Review of Books*, Feb. 13, 1969 I presented evidence that the second Tonkin Gulf incident never occurred nor when in the *Bi-Weekly* April 21 of that year I called attention to *"The Best Kept Secret of the Vietnam War."* This was the revelation in Westmoreland's final report on the Vietnamese war that the South Vietnamese government in 1964 and 1965 resisted the introduction of U.S. combat troops and that McNamara backed Westmoreland in ignoring Saigon's wishes. The Pentagon Papers, prepared by McNamara's men, draw a veil over both these stories damaging to McNamara's reputation.*

I believe the reason, the Nixon Administration is so desperately anxious to stop the *New York Times* is because the *Times* has in its possession a summary of the Command and Control report on the Tonkin Gulf incidents which Fulbright has been trying to get for seven years. I believe this will show that the second Tonkin Gulf incident, used by Johnson to unleash his first big bombing of the North, never occurred. I also believe that the Pentagon Papers covering the Eisenhower years may throw fresh light on the part Nixon played with Dulles and Radford in trying to bring about U.S. intervention at the time of Dien Bien Phu, if necessary with tactical nuclear weapons as well as U.S. ground troops. But the overriding reason for trying to suppress the documents is that they show the continuity of policy and conduct. Nixon is still looking for the same unattainable victory Kennedy and Johnson sought, and is as unwilling as they were to let the public know what he is really doing in Southeast Asia. *Newsweek* reports that Lyndon Johnson feels "the danger now is that President Nixon will be pressured to get out of Vietnam before achieving the main objective—getting South Vietnam in shape to protect itself." *Time* reports that Johnson feels it was a mistake not to impose censorship. Is it any wonder Agnew in Los Angeles criticized the *New York Times* for printing the Pentagon Papers and denied that Johnson had misled the American people in 1964-65? This is the bi-partisan solidarity imperialism breeds. *June 21*

* They may be found in my book Polemics and Prophecies.

Simple Question Meets Slippery Fellow

In Paris Jan. 6 Laird told a news conference that the U.S. would terminate its "combat responsibility" in South Vietnam by mid-summer 1971.

—Facts on File page 10C2 Jan. 7, 1971.

George Herman (CBS News)—Secretary Laird, you said that American troops would have a combat role for several months to come. When is it going to end?

Secretary Laird: Well, as long as there are American troops stationed in Vietnam, and as we move forward to transfer the air, the logistics, the artillery roles to the South Vietnamese under Vietnamization, we will have combat forces stationed in a security role in Vietnam. These particular forces will carry on security missions, and will be involved in combat . . .

Bob Schieffer (CBS News): Well, Mr. Secretary, when are we going to be able to say that the U.S. has turned over ground combat responsibility to the South Vietnamese? I know you said earlier this year it would be some time this summer—

Laird: Yes—

Schieffer: Are we on schedule?

Laird: We are on schedule . . . but I don't want to give the impression to anyone listening to this program that the Americans that are there, in the logistics role, in the air roles, in the artillery roles . . . that those Americans will not be engaged in any combat activities in this security role, because they will. And I don't want to raise any question as far as credibility on that issue with anyone listening to this program.

—On CBS Face The Nation, June 13.

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